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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,725	08/20/2001	James Howard Manger	A70661/MAK	9628

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EXAMINER

COLIN, CARL G

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/857,725

Applicant(s)

MANGER ET AL.

Examiner

Carl Colin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Pursuant to USC 131, claims 1-44 are presented for examination.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "62" has been used to designate both communications channel and identification channel. Appropriate correction is required.

2.1 The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 160, 170. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

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3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 6, 20, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3.1 Claims 6, 20, and 33 recite the limitation "said identifying information". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 14, 40, 44 and the intervening claims are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The limitations cited in these claims are not embodied in a computer hardware or software.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5.1 **Claims 1-44** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,299,062 to **Hwang** in view of US Patent 5,668,876 to **Falk et al.**

5.2 **As per claims 1, 2, 4, 5, 8-13, Hwang** substantially teaches a method and system including receiving a public key of a public/private key pair generated by a system of a person, for example (see column 3, lines 27-45); **Hwang** discloses using the person's public key to generate a value w that meets the recitation of processing said public key to generate a communicable code representative of said public key, for example (see column 11, lines 20-23 and lines 35-40 see also column 7, lines 7-25); identifying said person, said identifying including having said person convey said communicable code; and **Hwang** also discloses generating a digital certificate after identifying said person, said certificate including said public key, and further discloses identifying includes verifying identification information of said person, and said certificate binds said identifying information and said public key, for example (see column 7, lines 3-8 and column 3, lines 27-45). **Hwang** discloses the step of having the person convey a communicable code but does not explicitly disclose conveying the same code because **Hwang**

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uses challenge and response values with hash function, for example (see column 11, lines 20-48). It is obvious to one skilled in the art that using challenge and response value adds more security rather than having a person convey the same code to prevent eavesdropping. This modification would have been obvious because it does not require any inventive skill to ask the person to convey the same code rather than conveying a generated code based on the received one. One of the obvious advantages of using the same code is lack of resources or less computation time. It is also a common practice that people reveal their account number or any other communicable code generated by the other party over the phone to prove their identification as for instance a bank transaction.

Falk et al. in an analogous art discloses said identifying including having said person convey said communicable code wherein said conveying involves oral communication of said communicable code, wherein the oral communication occurs during a telecommunications call, for example (see column 2, lines 5-48; column 3, line 44 through column 4, line 31; and column 9, lines 5-12) in order to provide an authentication procedure to authenticate a user's identity through a variety of terminals associated with a variety of electronic services, for example (see column 2, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Hwang** to include having said person convey said communicable code wherein said conveying involves oral communication of said communicable code, wherein the oral communication occurs during a telecommunications call as taught by **Falk et al.** This modification would have been obvious because one skilled in the art would have been motivated by the suggestions provided by **Falk et al.** so as to provide an

authentication procedure wherein a user's identity through a variety of terminals associated with a variety of electronic services, for example (see column 2, lines 1-5).

As per claim 3, Falk et al. discloses the limitation of wherein said communicable code is a limited character string. Therefore, this claim is rejected on the same rationale as the rejection of claim 1 above.

Claims 6-7 recite the same inventive concept as claim 1 and therefore they are rejected on the same rationale as the rejection of claim 1 above. For example both references disclose validating the code generated with the code conveyed by the person and requesting generation of the public/private key pair by the system of the person, in response to receiving a registration request from the person.

Claims 14-44 recite the same limitations as the rejected claims 1-13 except for incorporating the claimed invention into a process or system or program. Therefore they are rejected on the same rationale as the rejection of claims 1-13 above.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 703-305-0355. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Carl Colin

Patent Examiner

September 28, 2004



AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100